MOTION FILED
APR 22 1974

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

No. 73-1162

UNITED STATES OF AMERICA,

Petitioner

v.

THOMAS JOSEPH WILSON and
BOBBY ANTONIO BRYAN,

Respondents.

MOTION OF BOBBY ANTONIO BRYAN TO PROCEED IN FORMA PAUPERIS AND BRIEF IN OPPOSITION TO THE GOVERNMENT'S PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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MOTION OF BOBBY ANTONIO BRYAN TO PROCEED IN FORMA PAUPERIS AND BRIEF IN OPPOSITION TO THE GOVERNMENT,S PETITION FOR A WRIT OF CERTIORARI, ETC.

Herbert Ira Handman, on behalf of Bobby Antonio Bryan, one of the Respondents above named, respectfully moves this Court for leave to proceed in forma pauperis and to submit the following Brief in opposition to the Government's Petition for a Writ of Certiorari to review the jusgment of the United States Court of Appeals for the Second Circuit in this case.

I represent to the Court that I have been acting as counsel for the Respondent Bryan pursuant to appointment by the Court under the Justice Act. Mr. Bryan is presently incarcerated and has been for some time. He was without funds to pay for a lawyer at the time I was appointed and his situation has not improved from that time to the present. He is presently not incarcerated here in the City or County of New York, so that I am not able to secure an affidavit of poverty as would normally be done to accompany this Motion. I am sure the Government is aware of Mr. Bryan's indigence and will not oppose his proceeding in forma pauperis.

With respect to the Brief to be submitted I submit the following:

BRIEF

Reference is made to the Brief filed with this Court by William E. Hellerstein, Phylis Skloot Bamberger, as Attorneys for Respondent Thomas Joseph Wilson, The Legal Aid Society, Federal Defender Services Unit, Sheila Ginsberg, of Counsel dated March 6, 1974.

A review of such brief indicates to me that the arguments and citations there presented in support of the decision below substantially are the same which I would submit on behalf of Mr. Bryan. A Brief in behalf of Mr. Bryan would in my opinion therefore be duplicitous of the material in the Brief in Opposition filed for Mr. Wilson

Under these circumstances I respectfully request the Court to permit me to adopt on behalf of my client Bobby Antonio Bryan the said Brief submitted on behalf of Thomas Joseph Wilson above referred to.

CONCLUSION

It is respectfully submitted that there is no substantial question raised by the Government warranting a review of the decision below and in any event the lower court's decision is correct.

Respectfully submitted,

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